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CMA No. 2188 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-08-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 2188 of 2025

A. Balaji

Appellant

Vs

1. M. Hariprasad

2.A. Santhi

3.United India Insurance Co. Ltd
No. 178, Dr. Nanjappa Road, Opp.
Chidambaram Park, Coimbatore - 641 010.

Respondents

PRAYER :-Civil Miscellaneous Appeal filed under Sec.173 of Motor Vehicles Act, praying to set aside the Judgment and decree in MCOP No.965 of 2020 dated 04.08.2022 on the file of the Motor Accidents Claims Tribunal, Special Subordinate Judge, Coimbatore.



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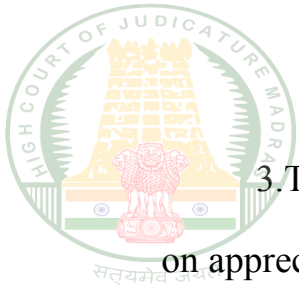
For Appellant: Mr. R. Navaneetha Krishnan

For Respondents: Mr D. Bhaskaran For R3

JUDGMENT

The appellant/petitioner not being satisfied with the quantum of compensation awarded by the Tribunal in MCOP No.965 of 2020, dated 04.08.2022 has preferred this appeal seeking for enhancement of compensation.

2. The case of appellant/petitioner is that on 21.12.2019 at about 13.45 hrs., when the petitioner was a pillion rider in a two wheeler bearing Regn. No. TN-99 P-5845, which was driven by his friend in the east to west direction, at Vettilapara 14 in front of Mugundhan master house, unfortunately, while overtaking the vehicle, he dashed on the tipper lorry bearing Regn. No.KL-42A-5328, the petitioner and the driver fell down on the road along the vehicle and caused an accident. Due to which, the petitioner sustained grievous injuries on the head, for which he underwent treatment in the hospital. Under these circumstances, the claim petition came to be filed before the Tribunal seeking for payment of compensation of Rs.70,00,000/-.



3. The Tribunal on considering the facts and circumstances of the case and on appreciation of oral and documentary evidence, came to a conclusion that the accident had taken place only due to the rash and negligent driving on the part of the driver of the 1st respondent. Having come to such a conclusion, the Tribunal fixed the total compensation payable at Rs.13,27,052/- under various heads as follows:

S.No	Compensation awarded under the head	Amount (in Rs.)
1.	Pain and sufferings	1,00,000
2.	Medical bills	9,12,052
3.	Permanent disability	2,00,000
4.	Loss of amenities	50,000
5.	Attender charges	20,000
6.	Nutrition expenses	20,000
7.	Transport expenses	20,000
8.	Loss of articles and cloths	5,000
	Total compensation awarded (by adding Sl. Nos. 1 to 8)	13,27,052

4. The above compensation was directed to be paid with interest at the rate of 7.5% per annum.



5. The petitioner not being satisfied with the quantum of compensation awarded by the Tribunal has filed the present appeal before this Court seeking for enhancement of compensation.

6. The learned counsel for appellant would submit that at the time of accident, he was aged about 18 years and though the accident was happened in the year 2019, the tribunal had fixed only a sum of Rs.5000/- per percentage of disability. Hence, he prayed to enhance the compensation.

7. The learned counsel for 2nd respondent would submit that the accident was happened in the year 2019 and he had sustained 40% of disability, but there is no loss for continuing his studies. Hence, the tribunal has rightly awarded a sum of Rs.5000/- towards per percentage of disability, which needs no interference.

8. Heard and considered rival submissions made by both learned counsel for appellant as well as 2nd respondent and perused materials available on record.

9. Considering both side submissions, the fact reveals that admittedly, he had suffered with fracture of right parietal and temporal bones, fracture of right parasymphysis of mandible and right subcondyle of mandible, diffuse axonal



injury and laceration 2 x 1 cm over the left knee, for which he had undergone surgery and sustained 40% of permanent disability, but the tribunal has awarded only a sum of Rs.5000/- per percentage. But, on considering the petitioner's age of 18 years and the fact that the accident was happened in the year 2019 and also the fact that the appellant had suffered with fracture of right parietal and temporal bones, fracture of right parasymphysis of mandible and right subcondyle of mandible, diffuse axonal injury and laceration 2 x 1 cm over the left knee and surgery was also conducted and also the fact that the medical board had assessed his disability as 40% of permanent disability, this court is inclined to enhance the sum from Rs.5000/- to Rs.9000/- towards percentage of disability.

10. Furthermore, on perusal of award, the fact reveals that due to the injuries sustained in the accident, the appellant had sustained with fractures and a surgery was conducted. Considering that, this Court is inclined to enhance the sum awarded towards loss of amenities from Rs.50,000/- to Rs.1,00,000/-. The compensation that has been fixed under the other heads are reasonable and does not require the interference of this Court.

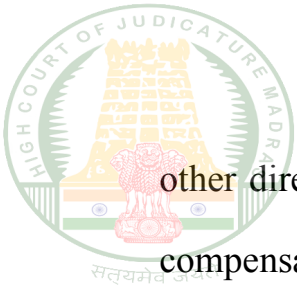
11. In the light of the above discussion, the compensation awarded by the tribunal is modified as follows:



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S.No	Compensation awarded under the head	Amount awarded by the tribunal (in Rs.)	Amount (in Rs.)	Amount confirmed or granted or enhanced
1.	Pain and sufferings	1,00,000	1,00,000	confirmed
2.	Medical bills	9,12,052	9,12,052	confirmed
3.	Permanent disability (Rs.9000 x 40%)	2,00,000	3,60,000	enhanced
4.	Loss of amenities	50,000	1,00,000	enhanced
5.	Attender charges	20,000	20,000	confirmed
6.	Nutrition expenses	20,000	20,000	confirmed
7.	Transport expenses	20,000	20,000	confirmed
8.	Damages for cloths and articles	5,000	5,000	confirmed
	Total Rounded off	13,27,052	15,37,052 15,37,060	enhanced

12.The compensation awarded by the tribunal at Rs.13,27,052/- is enhanced to Rs.15,37,060/-. The 2nd respondent insurance company is directed to deposit the enhanced compensation, less the amount already deposited, together with interest at 7.5% p.a. from the date of claim petition till the date of deposit within a period of eight weeks from the date of receipt of copy of this judgment. On such deposit, the appellant is permitted to withdraw the enhanced award amount now determined by this court along with interest and costs, less the amount if any, already withdrawn. Insofar as the enhanced compensation is concerned, the deficit court fee, if not paid, shall be paid by the appellant. The



other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered.

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13. In the result, the Civil Miscellaneous Appeal is partly allowed. No costs.

12-08-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. Motor Accident Claims Tribunal, Sub-Judge, Coimbatore.

2. Section Officer, VR Section, Madras High Court.



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T.V.THAMILSELVI J.

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